

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE;

ROBERT DAVIS,

DEBTOR

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CASE NO. 20-00301

**GWENDOLYN R. WILDS AND GRACE DAVIS' RESPONSE TO MOTION FOR
ORDER OF CIVIL CONTEMPT**

COMES NOW, Gwendolyn R. Wilds and Grace Davis ("Wilds" and "Davis" respectively) and files this, their Response To Motion For An Order Of Civil Contempt ("Motion"), and in connection therewith, would present unto this Court as follows:

I.

RESPONSE TO SUMMARY OF RELEVANT FACTS

1 Wilds and Davis generally admit the facts contained in paragraphs 1 through 3 of the Motion to the extent that it characterizes their previous representation of Debtor and the dispute that arose between them concerning same and the proceedings initiated against Wilds and Davis which resulted in the entry of an Agreed Order appended to Debtor's Motion.

2 Wilds and Davis agree with the facts as represented in paragraphs 4 and 5 of the Motion, but disagree with the statements made in paragraphs 6 and 7 of the Motion. Wilds and Davis allege that they have made total payments under the Agreed Order in the amount of \$8,400.00, as reflected in an accounting summary previously provided to Debtor's Counsel. Wilds and

Davis agree with the statements in paragraph 8 of the Motion that the parties have had numerous communications to resolve the payments outlined in the Agreed Order. Wilds and Davis agree with the facts stated in paragraph 9 of the Motion that Wilds had anticipated using some of the money she was to receive for her services on the subject appeal, but denies stating that she would use all of said funds to pay the monies owed under the Agreed Order. Wilds and Davis disagree with the statements in paragraph 10 of the Motion. The Agreed Order, as stated by the Motion in paragraph 4, calls for Wilds and Davis to make monthly payments of \$1,000.00. If payments are calculated based on that fact, the total in payments that should have been made from September 1, 2020 to September 1, 2021, is \$13,000.00, not \$25,000.00 as stated by Debtor in the Motion. Assuming Wilds and Davis made payments of \$8,400.00, that would mean that they are in arrears \$4,600.00, not counting any late charges under the Agreed Order. Further, Davis has made a \$300.00 payment during the week of September 20, 2021.

RELIEF REQUESTED

3 Wilds and Davis deny the allegations in paragraph 11 of the Motion and assert that civil contempt is not warranted in that they have not intentionally violated the Agreed Order. Covid 19 Pandemic restrictions have prevented them from working as they had planned to make the payments called for and health issues and the death of Davis' Mother have taken a great toll on their ability to comply with the Agreed Order. Events beyond their control have resulted in them being unable to make all of the payments timely.

4 Wilds and Davis assert that they have been prevented from complying with the Agreed Order by events beyond their control and dispute that the Court should proceed as requested in paragraphs 12 through 18 of the Motion. Specifically, Wilds and Davis are unable to not only pay all amounts due currently under the Agreed Order, but are financially unable to pay any

attorneys fees or sanctions to Debtor, since they are now required to retain counsel to represent them in connection with the Motion.

CONCLUSION

5 Wilds and Davis request that the Court deny the relief requested in the Motion. Further, Wilds and Davis request that the Court conduct a hearing on the merits of the Motion prior to issuing an order of civil contempt and awarding attorneys fees or other sanctions.

Respectfully submitted this 28th day of September, 2021.

By: /S/ George R. Neely
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing *Gwendolyn R. Wilds and Grace Davis' Response To Motion For An Order Of Civil Contempt* was electronically filed with the Clerk of the Court on the 28th day of September, 2021 using the ECF system, which will send notification of the filing hereof to all attorneys of record.

/S/ George R. Neely
GEORGE R. NEELY